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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002357

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TAGS: PGOV PREL I2

SUBJECT: TIME RUNNING OUT ON PROVINCIAL ELECTIONS LAW

REF: A. BAGHDAD 2315

IB. BAGHDAD 2305

IC. BAGHDAD 2280

Classified By: POL MinCouns Robert Ford for reasons 1.4 (b) and (d).

I1. (C) SUMMARY/COMMENT: There was more drama surrounding Iraq's provincial election law on July 28 as Parliament Speaker Mashadani collapsed during the legislative session and was rushed to the hospital. Meanwhile, the main political blocs achieved little apparent progress on bridging the impasse as Parliament prepares to conclude its session on July 30, and Iraqi political leaders have expressed pessimism that members will reach a compromise on a provincial election law during this session. While Deputy Speaker Attiyah has expressed willingness to extend the session, discussions within the ad hoc Legal/Provincial Committee set up to examine the veto letter and recommend a way forward have produced little. We are working with the United Nations Assistance Mission in Iraq (UNAMI) to promote a slimmed-down compromise text and are pressing key party leaders to accept a compromise so that provincial elections can proceed. At this stage it is unclear whether Mashadani's unexpected hospitalization will impact the negotiations, as the Speaker has played a key - albeit unhelpful - role in creating the current impasse. END SUMMARY/COMMENT.

I2. (C) COR DISCUSSIONS PROCEED SLOWLY; MASHADANI HOSPITALIZED: On July 26 Speaker Mashadani referred the Election Law and presidential veto to a special committee, combining the provinces and legal committees, and including blocs not represented on the two committees. Mashadani directed that committee examine the veto letter and report to the Council of Representatives (CoR) by Monday, July 28. On July 27, Deputy Speaker Attiya confirmed that July 30 would be the final day of the parliamentary session. However, Attiyah has told us he is willing to delay the conclusion of the parliamentary session if necessary to allow a vote on a compromise election law text. And in an unfortunate development July 28, Speaker Mashadani collapsed at the CoR around noon and was rushed to the U.S. military Combat Support Hospital (CSH) for urgent treatment. As of 2:00 PM local, Mashadani's doctors said he was improving rapidly and they expected to release him in a few hours.

I3. (C) Even prior to Mashanani's collapse, proceedings at the CoR were tense due to reports of demonstrations and a suicide bombing in Kirkuk. In addition, contacts have told us that a group calling itself the "127 bloc," representing the 127 CoR members who voted on July 22 for the controversial Kirkuk election language in the Election Law that so angered the Kurds, have held two meetings, including the morning of July 28 with Speaker Mashadani.

I4. (C) SUNNI NDF AND FADHILA URGE TIMELINE FOR KIRKUK: Multiple sources in the parliament tells us that a group of Sunni Arab parliamentarians from the Kirkuk region are driving the Sunni Arab effort to secure guarantees on an eventual Kirkuk provincial election. Iraqi Islamic Party number two Ayed Samarraie last week told us that Salah al-Mutlaq was particularly influential with this group. On

July 26, Salah al-Mutlaq and Mohammed Jabouri of the Sunni National Dialogue Front (NDF), told Poloff that the NDF has no "red lines," and is willing to talk about the Kirkuk language. Jabouri was unwilling to back off the 32/32/32/4 Kirkuk power-sharing arrangement that was approved in the July 22 law text that was subsequently vetoed. Both Mutlaq and Jabouri stressed that the NDF wants specific timelines for a Kirkuk provincial election. The Kurdish option is too vague, they claimed. They feared, they said, that that the Kurds could postpone Kirkuk elections indefinitely or at least until the situation is more favorable to them.

¶15. (C) Also on July 26, Dr. Basim al-Sherif of the Shia Islamist Fadhliah Party, which had voted with the Sunni Arabs on July 22, said that specific timelines are important in addressing Arab concerns that the Kurds will delay elections until they ensure that Kirkuk's demographics are overwhelmingly in their favor. Basim acknowledged that the 32/32/32/4 was not the best option, but said that there needed to be some sort of power sharing. He acknowledged that Fadhliah has been in contact with the Kurds, and acknowledged poloff's point that all sides needed to compromise.

¶16. (C) UNAMI PRESENTS ALTERNATE TEXT ON KIRKUK IMPASSE: UNAMI Political Advisor Andrew Gilmour was pessimistic late July 27 that there would be a breakthrough, noting that the parties have complicated discussions by adding difficult issues such as property violations and power sharing. We have worked with UNAMI to produce a simplified compromise text that would: (1) delay Kirkuk elections until after an agreement is reached on dividing administrative and security powers; (2) establish a Committee to report to the CoR on a mechanism for

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local Kirkuk government power sharing and issue recommendations to update voter registration; and (3) establish a December 31 deadline for the committee to report. UNAMI is presenting this language to the various CoR blocs. Like us, UNAMI staff are lobbying hard with various parliamentarians to achieve support for the compromise text. Gilmour told PolCouns that he was focusing his efforts on the Sunni Arabs, warning them that the international community would blame them if there are no provincial elections this year.

¶17. (C) COMMITTEE DISCUSSIONS ON VETO LETTER FALTER: As an indication of how poorly - or at least slowly - the negotiations between the Kurds and the Sunni Arabs are advancing, Hashim al-Tae, Tawafug/IIP Chair of the committee examining the veto letter, told Poloffs July 27 the blocs are not listening to each other. He said IIP is willing to compromise, but that Mashadani does not have a vision on a way forward. UIA CoR member Qassim Daood, who attended the Committee meeting, was pessimistic and critical of al-Tae. Daood said the meeting was well attended but focused on recriminations. Qassim told us July 27 that he was ignored by chairman al-Tae when he tried to move the discussion to the UNAMI draft as a way forward. Daood added that there is no serious discussion between the blocs, and doubted there would be absent the personal intervention of the Presidency Council.

¶18. (C) KURDS HOLD LINE ON POWER SHARING AND PROPERTY DISPUTES: KRG President Barzani arrived in Baghdad over the weekend on a previously-scheduled visit, and declared the election law calls for a major re-examination of the Kurds' alliances. Barzani alleged a Ba'thist plot against the Kurds, because of the common perception that Salih al-Mutlaq is a Ba'thist and boasted as much during last week's secret ballot; much of the KRG President's rhetoric thus questioned why Kurdish allies in the UIA and IIP, especially longtime Saddam opponents like Badr's Hadi al-Amiri, sided with the Ba'th against the Kurds. Ambassador told Barzani late July 26 that it was important to maintain dialog with the other political blocs and to avoid provocative actions in the North. Much of Barzani's performance probably aimed at

eliciting the Ambassador's support - indeed, Barzani refused to discuss specifics of the election law or even of Kirkuk - but the protestations reflect real worry that the heretofore enduring political alliance between the Kurdish and Shia Islamist leadership was eroding. (Comment: If such is truly the case, it would mark a shift in a shift in Iraq's political tectonic plates. End Comment.)

19. (C) Kurdish CoR bloc leader Fuad Massoum told PolMinCouns July 27 that the Kurds would not make concessions on Kirkuk government power sharing before the elections, at least with respect to the Governor and the Provincial Council chair, nor would they accept that Kirkuk property disputes factor into the election law. If these two areas remain sticking points, then the Kurds are comfortable with holding elections with the existing election law. (NOTE: Our understanding is that this would not be possible without amending the Provincial Powers Law and the current (2005) election law. END NOTE).

110. (C) SHI'A TURKOMEN MAY SIDE WITH KURDS: On July 28, Shia Turkomen ISCI CoR member Sheikh al-Mawla was optimistic that an alliance of UIA, the Kurds, and IIP could force through an amended election law that postpones Kirkuk elections and forms two committees before the CoR term ends. Al-Mawla was cagey with poloff about outreach to Sunni parties, but thought IIP would be with UIA and the Kurds at the end. He downplayed internal divisions within UIA and ISCI, and said there is no division between ISCI and Badr. Al-Mawla said he thinks a vote could come as soon as tomorrow (July 29). Al-Mawla expressed anger with the Kurds and said he was pleased the Arabs/Turkomen had sent them a message with the July 22 vote. However, he added that he is willing to side with them on this compromise, and he claimed that other CoR Turkomen feel same way.

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